

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TRAVELL C. HOLMES,

No. 2:20-cv-01496-DAD-SCR (PC)

Plaintiff,

v.

DAVID BAUGHMAN, et al.,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

Defendants.

(Doc. Nos. 99, 101)

Plaintiff Travell C. Holmes is a state prisoner proceeding in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 19, 2024, the assigned magistrate judge issued findings and recommendations recommending this action be dismissed, without prejudice, due to plaintiff's failure to comply with court orders and this court's Local Rules. (Doc. No. 101.) Specifically, plaintiff has failed to comply with the court's scheduling order (Doc. No. 64) and Local Rule 230 by failing to timely file an opposition to defendants' pending motion for summary judgment (Doc. No. 99). (*Id.*) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 2.) Defendants filed objections to the findings and recommendations on August 2, 2024. (Doc. No. 102.) Plaintiff did not file a response thereto or any objections of his own.

1           In their objections, defendants state inaccurately that the pending findings and  
2 recommendations “recommended that this case be dismissed with leave to amend” and object to  
3 the court granting plaintiff leave to amend his complaint. (Doc. No. 102.) Defendants’  
4 objections are misplaced, however, because the findings and recommendations do not recommend  
5 that plaintiff be granted leave to amend. Indeed, in adopting the findings and recommendations,  
6 the court will dismiss this action and this case will be closed. Accordingly, defendants’  
7 objections provide no basis upon which to reject the findings and recommendations.

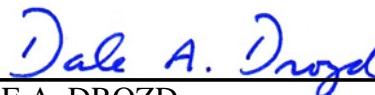
8           In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
9 *de novo* review of the case. Having carefully reviewed the entire file, including defendants’  
10 objections, the court concludes that the findings and recommendations are supported by the  
11 record and by proper analysis.

12           Accordingly:

- 13           1.       The findings and recommendations issued on July 19, 2024 (Doc. No. 101) are  
14                   adopted in full;
- 15           2.       This action is dismissed, without prejudice, due to plaintiff’s failure to comply  
16                   with court orders;
- 17           3.       The pending motion for summary judgment (Doc. No. 99) is denied as having  
18                   been rendered moot by this order; and
- 19           4.       The Clerk of the Court is directed to close this case.

20           IT IS SO ORDERED.

21           Dated: August 23, 2024

  
DALE A. DROZD  
UNITED STATES DISTRICT JUDGE

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